

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 3:24-cr-87
v.)	
)	FACTUAL BASIS
DEREK ANTOINE JOHNSON)	
)	

NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the defendant's guilty plea filed in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On or about October 18-19, 2023, in Mecklenburg County within the Western District of North Carolina, Derek Antoine Johnson (Defendant), knowingly and intentionally possessed a firearm, a Glock, model 45, 9mm semi-automatic pistol, and two improvised explosive bombs, which experts with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) determined to be destructive devices as defined in Title 26, United States Code, Section 5845(f). The destructive devices were not registered to Defendant in the National Firearms Registration and Transfer Record. Defendant possessed the firearm and two homemade destructive devices within a safe which was stored on a nightstand in the bedroom of his one-bedroom apartment in Charlotte, North Carolina. The safe and its contents were located at Defendant's apartment, and seized, by the Charlotte-

Mecklenburg Police Department, with assistance from ATF, during execution of a search warrant.

2. At the time Defendant possessed the firearm, Defendant had been previously convicted, and knew that he had been so convicted, of at least one felony crime punishable by more than one year in prison, to wit: interference with commerce by threat or violence (Hobbs Act robbery) in violation of Title 18, United States Code, Section 1951.
3. At the time Defendant possessed the firearm, it was in and affecting interstate commerce, as the firearm was not manufactured in North Carolina. Additionally, the firearm was previously sold by a licensed dealer to a purchaser in Alaska.

DENA J. KING
UNITED STATES ATTORNEY


DAVID W. KELLY
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis and the Bill of Indictment in this case and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment. I hereby certify that the defendant does not dispute this Factual Basis.


Myra Cause, Attorney for Defendant

DATED: 9/24/2024